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Permit No.: WA-005214-1
Issuance Date: May 16, 2005
Effective Date: July 1, 2005
Expiration Date: June 30, 2010

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT NO. WA-005214-1

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
YAKIMA, WASHINGTON 98902

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

CONAGRA FOODS, PACKAGED FOODS COMPANY, INC
dba LAMB-WESTON, INC. RICHLAND FACILITY
2013 SAINT STREET
RICHLAND, WA 99352

<u>Facility Location:</u> Same as above	<u>Receiving Waters:</u> Yakima River (Outfall #001), River Mile 9.5 Ground Water, via Sprayfield (Outfall #002)
<u>Receiving Water Body I.D. No. (Outfall #001):</u> WA-37-1010 (Old) EB21AR (New)	<u>Discharge Location (Outfall #001):</u> Latitude: 46° 18' 30" N Longitude: 119° 19' 15" W
<u>Receiving Water:</u> Ground Water, via 277.2-acre sprayfield	<u>Discharge Location (Outfall #002):</u> S½ Section 28 and NW¼ Section 33, Township 10 N, Range 28 E. W. M.
<u>Industry Type:</u> Potato Processing	

is authorized to discharge in accordance with the special and general conditions which follow.

G. Thomas Tebb, L.E.G.
Section Manager
Water Quality Program
Central Regional Office
Washington State Department of Ecology

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SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S2.E.	Sampling and Analysis Plan	1/permit cycle	July 15, 2005
S3.A.	Discharge Monitoring Report	Monthly	August 15, 2005
S3.E.	Noncompliance Notification	As necessary	As necessary
S4.A.	Operations and Maintenance Manual Update or Review Confirmation Letter	As necessary	As necessary
S4.B.	Reporting Bypasses	As necessary	As necessary
S5.C.	Modification to Solid Waste Plan	As necessary	June 30, 2009
S6.	Spill Plan Update	1/permit cycle	October 15, 2005
S7.	Irrigation and Crop Management Plan	Annually	March 15, 2006
G1.	Signature Authorization/Delegation	As necessary	As necessary
G4.	Permit Application for Substantive Changes to the Discharge	As necessary	As necessary
G5.	Engineering Report for Construction or Modification Activities	As necessary	As necessary
G7.	Application for Permit Renewal	1/permit cycle	June 30, 2009
G8.	Notice of Permit Transfer	As necessary	As necessary
G21.	Notice of Planned Changes	As necessary	As necessary
G22.	Reporting Anticipated Non-compliance	As necessary	As necessary

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

A. Discharge to the Yakima River--Outfall # 001

1. Effluent Limitations

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit.

The discharge of any of the following pollutants more frequently than, or at a level in excess of, that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit.

Beginning on **July 1, 2005** and lasting through **June 30, 2010**, and during the period **October 1 through May 15**, the Permittee is authorized to discharge treated process wastewater at the permitted location subject to the following limitations:

EFFLUENT LIMITATIONS: OUTFALL # 001		
Parameter	Average Monthly ^a	Maximum Daily ^b
Flow	1.75 MGD	2.00 MGD
5-Day Biochemical Oxygen Demand (BOD ₅)	15 mg/L; 218.9 lbs/day	25 mg/L; 417.0 lbs/day
Total Suspended Solids (TSS)	15 mg/L; 218.9 lbs/day	30 mg/L; 500.4 lbs/day
Temperature	Not Applicable	29°C
Ammonia, as Nitrogen (N)	4.4 mg/L	8.9 mg/L
pH	Between 6 and 9 at all times	
a-The average monthly effluent limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.		
b-The maximum daily effluent limitation is defined as the highest allowable daily discharge.		

2. Mixing Zone Description

The maximum boundaries of the mixing zones are defined as follows:

The length of the chronic and acute mixing zones shall extend downstream no more than 300 and 30 feet, respectively. The chronic mixing zone shall extend upstream no greater than 100 feet from the outfall. The width of the mixing zones shall be no more than 76 feet. The chronic and acute dilution factors shall be 70 and 7, respectively.

B. Discharge to the Sprayfield--Outfall # 002

Process wastewater discharges to the sprayfield shall not exceed the loadings in the most recent, Department-approved Irrigation and Crop Management Plan (see Special Condition S7.). In addition, discharges shall comply with the Land Application Best Management Practices in Special Condition S4.C.

S2. MONITORING REQUIREMENTS

The Permittee shall monitor in accordance with the following conditions.

A. Monitoring Schedules

1. Discharge to the Yakima River

Category	Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Effluent ^a	Flow	MGD	Secondary Clarifier Pump Basin	Continuous ^b	Metered
"	BOD ₅	Mg/L	Pipe from Secondary Clarifier to Pump Basin	1/week ^c	24-hour Composite ^d
"	BOD ₅	lbs/day	"	1/week	Calculation ^e
"	TSS	Mg/L	"	1/week	24-hour Composite
"	TSS	lbs/day	"	1/week	Calculation
"	Ammonia, as N	Mg/L	"	1/week	24-hour Composite
"	Ammonia, as N	lbs/day	"	1/week	Calculation
"	pH	Standard Units	"	Continuous	Continuous
"	Temperature	°C	"	Continuous	Continuous
"	Dissolved Oxygen	Mg/L	Pump Basin	1/week	Grab ^f or Continuous
"	Total Phosphorus	Mg/L	Pipe from Secondary Clarifier to Pump Basin	1/week	24-hour Composite
"	Total Residual Chlorine	Mg/L	"	5/week ^{g,h}	Grab

a-"Effluent" means wastewater which is exiting, or has exited, the last treatment process or operation.

b-"Continuous" means without interruption throughout the operating and discharging hours of the Permittee's facility, except for infrequent shutdowns for maintenance.

c-"1/week" means one time during each calendar week and on a rotational basis Tuesday, Wednesday or Thursday, except holidays.

d-"24-hour composite" means a series of individual samples collected over a 24-hour period into a single container, and analyzed as one sample.

e-"Calculation" means figured concurrently with the respective sample, using the following formula: Concentration (in mg/L) X Flow (in MGD) X Conversion Factor (8.34) = lbs/day.

f-"Grab" means an individual sample collected over a 15 minute, or less, period. The Permittee may grab sample DO in the event the continuous DO sensor in the pump basin becomes inoperative.

g-"5/week" means each day of the week, except holidays and weekends.

h-Analysis for Total Residual Chlorine shall occur only when it is utilized in the treatment system.

2. Discharge to the Sprayfield

Category	Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Effluent ^a	Flow	MGD	Secondary Clarifier Pump Basin	Continuous ^b	Metered
"	BOD ₅	mg/L	Pipe from Secondary Clarifier to Pump Basin	1/week ^c	24-hour Composite ^d
"	BOD ₅	lbs/day	"	1/week	Calculation ^e
"	Ammonia, as N	mg/L	"	1/week	24-hour Composite
"	Ammonia, as N	lbs/day	"	1/week	Calculation
"	TKN	mg/L	"	1/week	24-hour Composite
"	TKN	lbs/day	"	1/week	Calculation
"	Nitrate, as N	mg/L	"	1/week	24-hour Composite
"	Nitrate, as N	lbs/day	"	1/week	Calculation
"	pH	Standard Units	"	Continuous	Continuous
"	Temperature	°C	"	Continuous	Continuous
"	Total Phosphorus	mg/L	"	1/week	24-hour Composite
"	Total Phosphorus	lbs/day	"	1/week	Calculation
"	TDS	mg/L	"	1/month ^f	24-hour Composite
"	Sodium	mg/L	"	1/month	24-hour Composite
"	Potassium	mg/L	"	1/month	24-hour Composite
"	Calcium	mg/L	"	1/month	24-hour Composite
"	Magnesium	mg/L	"	1/month	24-hour Composite
"	Chloride	mg/L	"	1/month	24-hour Composite
"	Soleplate	mg/L	"	1/month	24-hour Composite
"	Carbonate	mg/L	"	1/month	24-hour Composite
"	Bicarbonate	mg/L	"	1/month	24-hour Composite

a-"Effluent" means wastewater which is exiting, or has exited, the last treatment process or operation.

b-"Continuous" means without interruption throughout the operating and discharging hours of the Permittee's facility, except for infrequent shutdowns for maintenance.

c-"1/week" means one time during each calendar week and on a rotational basis throughout the days of the week Tuesday, Wednesday and Thursday, except holidays.

d-"24-hour Composite" means a series of individual samples collected over a 24-hour period into a single container, and analyzed as one sample.

e-"Calculation" means figured concurrently with the respective sample, using the following formula:
Concentration (in mg/L) X Flow (in MGD) X Conversion Factor (8.34) = lbs/day.

f-"1/month" means once per calendar month. Samples shall not be taken during the same calendar week nor during consecutive weeks.

3. Ground Water Monitoring

Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Static Water Level	Feet	MW's-1,2,3,4,5,6	1/month ^a	Grab ^b
DO	mg/L	"	1/month	Grab
pH	Standard Units	"	1/month	Grab
Temperature	°C	"	1/month	Grab
Conductivity	µmhos/cm	"	1/month	Grab
TKN	mg/L	"	1/month	Grab
Ammonia, as N	mg/L	"	1/month	Grab
Nitrate, as N	mg/L	"	1/month	Grab
Chloride	mg/L	"	1/month	Grab
Total Dissolved Solids	mg/L	"	1/month	Grab
Sodium	mg/L	"	1/month	Grab

a-"1/month" means once per calendar month. Samples shall not be taken during the same calendar week nor during consecutive weeks.

b-"Grab" means an individual sample collected over a 15 minute, or less, period.

B. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

C. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations. Calibration records shall be maintained for at least three years.

D. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, turbidity, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited. The Department exempts crops, soils, and hazardous waste data from this requirement pending accreditation of laboratories for analysis of these media.

E. Sampling and Analysis Plan

The Permittee shall submit to the Department, for review and approval, a Sampling and Analysis Plan to address all wastewater, ground water, soil, crop, and surface water monitoring required in this permit. The Plan shall be developed in substantial accordance with Guidelines for Preparing Quality Assurance Project Plans for Environmental Studies, Ecology Publ. No. 01-03-003 and the

appropriate sections of Implementation Guidance for the Ground Water Quality Standards, Ecology Publ. No. 96-02.

The Plan's monitoring provisions shall be included in Appendix C of the O&M Manual (S4.A). The Plan shall be received no later than **July 15, 2005**.

S3. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on **July 1, 2005**. Monitoring results shall be submitted monthly. Monitoring data obtained during each monitoring period shall be summarized, reported, and submitted on a Discharge Monitoring Report (DMR) form provided, or otherwise approved, by the Department. DMR forms shall be received no later than the 15th day of the month following the completed monitoring period, unless otherwise specified in this permit. The report(s) shall be sent to:

Permit Data System Manager
Washington State Department of Ecology
Central Regional Office
15 West Yakima Avenue, Suite 200
Yakima, Washington 98902

All laboratory reports providing data for organic and metal parameters shall include the following information: sampling date, sample location, date of analysis, parameter name, CAS number, analytical method/ number, method detection limit (MDL), laboratory practical quantitation limit (PQL), reporting units, and concentration detected.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of 3 years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the

course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling or measurement; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) the individual who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Special Condition S2. of this permit, then the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's DMR.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the terms and conditions of this permit due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and clean up unauthorized discharges or otherwise stop the noncompliance, correct the problem and, if applicable, repeat sampling and analysis of any noncompliance immediately and submit the results to the Department within 30 days after becoming aware of the violation.
2. Immediately notify the Department of the failure to comply.
3. Submit a detailed written report to the Department within 30 days (five days for upsets and bypasses), unless requested earlier by the Department. The report shall contain a description of the noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

S4. OPERATION AND MAINTENANCE (O&M)

The Permittee shall, at all times, properly operate and maintain all facilities or systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this permit. Proper O&M also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

A. O&M Manual

The approved O&M Manual shall be kept available at the permitted facility and all operators are responsible for being familiar with, and using, this manual. The Permittee shall submit all modifications to the O&M Manual to the Department for review and approval.

B. Bypass Procedures

Bypass, which is the intentional diversion of waste streams from any portion of a treatment facility, is prohibited, and the Department may take enforcement action against a Permittee for bypass unless one of the following circumstances (1, 2, or 3) is applicable.

1. Bypass for Essential Maintenance without the Potential to Cause Violation of Permit Limits or Conditions.

Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of this permit, or adversely impact public health as determined by the Department prior to the bypass. The Permittee shall submit prior notice, if possible, at least 10 days before the date of the bypass.

2. Bypass Which is Unavoidable, Unanticipated, and Results in Noncompliance of this Permit.

This bypass is permitted only if:

- a. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of

natural resources which can reasonably be expected to occur in the absence of a bypass.

- b. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment downtime (but not if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance), or transport of untreated wastes to another treatment facility.
 - c. The Department is properly notified of the bypass as required in Special Condition S3.E of this permit.
3. Bypass which is Anticipated and has the Potential to Result in Noncompliance of this Permit.

The Permittee shall notify the Department at least 30 days before the planned date of bypass. The notice shall contain (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with SEPA; (8) a request for modification of water quality standards as provided for in WAC 173-201A-110, if an exceedance of any water quality standard is anticipated; and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above shall be considered during preparation of the engineering report or facilities plan and plans and specifications and shall be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

The Department will consider the following prior to issuing an administrative order for this type bypass:

- a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.
- b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
- c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by the Department under RCW 90.48.

C. Land Application Best Management Practices

1. There shall be no runoff of wastewater applied to land by spray irrigation to any surface waters of the State or to any land not owned by or under control of the Permittee.
2. The Permittee shall use recognized good practices, and all available and reasonable procedures to control odors from the land application system. When notified by the Department, the Permittee shall implement measures to reduce odors to a reasonable minimum.
3. The wastewater shall not be applied to the irrigation lands in quantities that:
 - a. Significantly reduce or destroy the long-term infiltration rate of the soil.
 - b. Would cause long-term anaerobic conditions in the soil.
 - c. Would cause ponding of wastewater or produce objectionable odors or support insects or vectors.
 - d. Would cause leaching losses of constituents of concern beyond the treatment zone or in excess of the approved design. Constituents of concern are constituents in the wastewater, partial decomposition products, or soil constituents that would alter ground water quality in amounts that would affect current and future beneficial uses.

D. Duty to Mitigate

The Permittee is required to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

S5. SOLID WASTE DISPOSAL

A. Solid Waste Handling

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into State ground water or surface water.

B. Leachate

The Permittee shall not allow leachate from its solid waste material to enter State waters without providing all known, available and reasonable methods of prevention, control and treatment (AKART), nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to State ground or surface waters.

C. Solid Waste Control Plan

The Permittee shall submit all proposed revisions or modifications to the Solid Waste Control Plan to the Department. The Permittee shall comply with any plan modifications. The Permittee shall submit an update of the solid waste control plan with the application for permit renewal 1 year prior to the expiration date of the permit.

S6. SPILL PLAN

The Permittee shall, by **October 15, 2005**, submit to the Department an update to the existing Spill Control Plan.

The updated spill control plan shall include the following:

- A description of the reporting system which will be used to alert responsible managers and legal authorities in the event of a spill.

- A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials.
- A list of all oil and chemicals used, processed, or stored at the facility which may be spilled into State waters.

For the purpose of meeting this requirement, plans and manuals, or portions thereof, required by 33 CFR 154, 40 CFR 109, 40 CFR 110, 40 CFR Part 112, the Federal Oil Pollution Act of 1990, Chapter 173-181, and contingency plans required by Chapter 173-303 WAC may be submitted.

S7. IRRIGATION AND CROP MANAGEMENT PLAN

An Irrigation and Crop Management Plan shall be submitted annually, by **March 15**, for Department review. The plan shall generally conform with *Guidelines for Preparation of Engineering Reports for Industrial Wastewater Land Application Systems*, Ecology 1993. The plan must be prepared by a soil scientist. The plan shall include the following elements:

A. Annual Summary of Farm Operations for Previous Year

This summary shall include:

1. For each crop grown, the total acreage and quantity harvested.
2. Calculated balances for nutrients, salts, TDS, or other design limiting parameters. The calculations shall include crop consumptive use, process wastewater loadings of nutrients, salts, TDS or other design limiting parameters, and contributions from commercial fertilizers applied.
3. Calculated water balance. The calculations shall include irrigation system efficiency and application uniformity, the quantity of supplemental irrigation water and process wastewater applied, crop consumptive use, water stored in the soil profile outside the normal growing season, and salt leaching requirements.
4. Soil testing results. A summary of the soil testing results shall be submitted and discussed as part of the annual Irrigation and Crop Management Plan.

B. Cropping Schedule for Upcoming Year

This schedule shall include:

1. Crop Management. The proposed acreage for each crop, cultivation and harvesting requirements, expected crop yields, and methods for establishing a crop, and proposed schedule for herbicide, pesticide, and fertilizer application.
2. Irrigation Management. The frequency and timing of wastewater and supplemental irrigation water application (including harvest and non-harvest periods), and recommended rest cycles for wastewater application where organic or hydraulic loading is a concern.

GENERAL CONDITIONS

G1. SIGNATURE AUTHORIZATION/DELEGATION

All applications, reports, or information submitted to the Department shall be signed and certified.

- A. All permit applications shall be signed by either a responsible corporate officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 1. The authorization is made in writing by a person described above and submitted to the Department.
 - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am

aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

G2. RIGHT OF INSPECTION AND ENTRY

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.
- B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.
- C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.
- D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

G3. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the Permittee) or upon the Department's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

- A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:
 - 1. Violation of any permit term or condition.
 - 2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.
 - 3. A material change in quantity or type of waste disposal.
 - 4. A determination that the permitted activity endangers human health or the environment or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR part 122.64(3)].

5. A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR part 122.64(4)].
 6. Nonpayment of fees assessed pursuant to RCW 90.48.465.
 7. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090.
- B. The following are causes for modification but not revocation and reissuance except when the Permittee requests or agrees:
1. A material change in the condition of the waters of the State.
 2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.
 3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.
 4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.
 5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR part 122.62.
 6. The Department has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.
 7. Incorporation of an approved local pretreatment program into a municipality's permit.
- C. The following are causes for modification or alternatively revocation and reissuance:
1. Cause exists for termination for reasons listed in A1 through A7, of this section, and the Department determines that modification or revocation and reissuance is appropriate.
 2. The Department has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new Permittee.

G4. REPORTING PLANNED CHANGES

The Permittee shall, as soon as possible, but no later than sixty (60) days prior to the proposed changes, give notice to the Department of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in: 1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); 2) a significant change in the nature or an increase in quantity of pollutants discharged; or 3) a significant change in the Permittee's sludge use or disposal practices. Following such notice, and the submittal of a new application or supplement to the existing application, along with required engineering plans and reports, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications shall be submitted at least 180 days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable Federal, State, or local statutes, ordinances, or regulations.

G7. DUTY TO REAPPLY

The Permittee shall apply for permit renewal at least 1 year prior to the specified expiration date of this permit.

G8. TRANSFER OF THIS PERMIT

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Department.

A. Transfers by Modification

Except as provided in paragraph B below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

B. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies the Department at least 30 days in advance of the proposed transfer date.
2. The notice includes a written agreement between the existing and new Permittee's containing a specific date transfer of permit responsibility, coverage, and liability between them.
3. The Department does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under the subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

G9. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G10. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to State waters.

G11. DUTY TO PROVIDE INFORMATION

The Permittee shall submit to the Department, within a reasonable time, all information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also submit to the Department upon request, copies of records required to be kept by this permit.

G12. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G13. ADDITIONAL MONITORING

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G14. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department.

G15. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to \$10,000 and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to \$10,000 for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

G16. UPSET

Definition – “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment

facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that: 1) an upset occurred and that the Permittee can identify the cause(s) of the upset; 2) the permitted facility was being properly operated at the time of the upset; 3) the Permittee submitted notice of the upset as required in Special Condition S3.E; and 4) the Permittee complied with any remedial measures required under Special Condition S4 of this permit.

In any enforcement proceeding the Permittee seeking to establish the occurrence of an upset has the burden of proof.

G17. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

G18. DUTY TO COMPLY

The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

G19. TOXIC POLLUTANTS

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G20. PENALTIES FOR TAMPERING

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person

under this Condition, punishment shall be a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or by both.

G21. REPORTING ANTICIPATED NON-COMPLIANCE

The Permittee shall give advance notice to the Department by submission of a new application or supplement thereto at least one hundred and eighty (180) days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during non-critical water quality periods and carried out in a manner approved by the Department.

G22. REPORTING OTHER INFORMATION

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

G23. COMPLIANCE SCHEDULES

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.